



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,385	11/09/2000	Robert Andrew Rhodes	RCA88797	3536

7590 03/15/2004

Joseph S Tripoli
Thomson multimedia Licensing Inc
PO Box 5312
Princeton, NJ 08540

EXAMINER

LY, ANH VU H

ART UNIT	PAPER NUMBER
----------	--------------

2667

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,385

Applicant(s)

RHODES ET AL.

Examiner

Anh-Vu H Ly

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This communication is in response to applicant's amendment filed January 30, 2004.

The proposed amendment to the claims has been entered. Claims 1-8 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by Wilkes, T. et al (WO 97/29581). Hereinafter, referred to as Wilkes.

With respect to claims 1 and 5, Wilkes discloses in Fig. 2, a communications system for transmitting voice originated from originating phone 30 over the Internet 16 or VoIP, wherein voice packets are received at the receiving voice engine 34, herein, the receiving voice engine 34 has an interface for interfacing with the Internet 16 (the receiving voice engine 34 is considered as the Internet phone by the examiner) (receiving a signal from a cable network by the Internet interface device), from the Internet 16 (cable network). Wherein, the Internet comprising a number of nodes interconnected by cables, etc... therefore, it is considered as a cable network by the examiner. Herein, received voice packets are compressed IP packets that matched the format of the cable network or Internet 16 (the signal representing internet protocol data packets of the voice call and being both modulated in a first format and compressed to match a format of the cable network). Voice packets are then reconstructed and decompressed (demodulating and

Art Unit: 2667

decompressing the signal modulated in the first format by the Internet interface device) and transmitted to the receiving phone 38 by PSN, cellular, PCS, cable telephone, or radio network 31. Herein, the transmitted voice signals to the receiving phone 38 are in the format of PSN, cellular, PCS, cable telephone (home environment), or radio network, which is different from the format of the Internet 16 (compressing, by the Internet interface device, the signal into a format of a home environment and modulating, by the Internet interface device, the compressed signal into a second format). Further, as illustrated in Fig. 2, the wirelessly transmitted voice signals are received by the receiving phone 38, demodulated, and decompressed to play to a user (wirelessly transmitted, by the Internet interface device, the signal modulated in the second format to a wireless device; and demodulating and decompressing the signal in the wireless device).

With respect to claims 2 and 6, Wilkes discloses in Fig. 2, receiving voice engine acts as a gateway for voice transmissions between the Internet and PSN network (first format is H.323 compliant).

With respect to claims 3 and 7, the limitation “wherein the first format comprises a same modulation scheme as the second format” is inherent to Wilkes. Wilkes discloses (page 12, lines 18-22) that the telephone is used to call an originating voice engine 32 (or receiving voice engine 24 attached to the receiving phone 38) via for example but not limited to, a publicly or privately switched telephone, a cellular switch, PCS, cable telephone, or radio 31. Therefore, network 31

Art Unit: 2667

can be a LAN network, then the first format comprising the same modulation scheme as the second format, IP format.

With respect to claims 4 and 8, Wilkes discloses in Fig. 2, that first format is IP and second format is PCS format (first format comprising a different modulation scheme as the second format).

Response to Arguments

3. Applicant's arguments filed January 30, 2004 have been fully considered but they are not persuasive.

Applicant argues on page 5 that Wilkes does not teach, disclose or suggest a method of processing a voice call over an Internet by an Internet phone performing the recited steps in independent claim 1. Examiner respectfully disagrees. Wilkes discloses all of the features recited in independent claim 1. Further, as stated in the rejection of independent claim 1, the receiving voice engine is considered as an Internet phone by the examiner, hereby, having an interface for interfacing and receiving data signals from the Internet, Fig. 2.

Applicant further argues on page 5 that nowhere does Wilkes disclose or suggest an Internet phone for used in a home environment. Applicant should review the claimed limitations recited in independent claim 1, in lines 10-11 "compressing, by the Internet interface device, the decompressed signal into a format of a home environment". Herein, the signal is compressed into a format of a home environment, not an Internet phone for used in a home environment. A signal compressed into a format of a home environment is totally different from the Internet phone for used in a home environment. Therefore, independent claim 1 does not recite the

feature as stated by the applicant on page 5 regarding the Internet phone for used in a home environment.

Applicant further argues on page 6 that the claimed invention is concerned with providing a home environment for Internet phone calls without having to modify the Internet network. Examiner respectfully disagrees. Nowhere does claim 1 recite a home environment for Internet phone calls without having to modify the Internet network. Further, examiner believes applicant misunderstood the function of the Internet phone as recited in independent claim 1. Herein, the Internet interface device compresses and modulates the signal into a format of a home environment, not the Internet interface device to be used in a home environment.

Applicant further argues on page 6 that Wilkes does not disclose or suggest an Internet telephone in a home environment as recited in claim 1. Examiner respectfully disagrees. Nowhere does claim 1 recite an Internet telephone in a home environment, it is a signal modulated and compressed into a format of a home environment.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2667


however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H Ly whose telephone number is 703-306-5675. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avl


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 3/12/08